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AMERICAN SECURITY INSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND, CALIFORNIA

JAMES SUTTON AND LYNETTE
SUTTON,

Plaintiff,

v.

AMERICAN SECURITY
INSURANCE COMPANY, a
Delaware Corporation, and DOES 1
THROUGH 10,

Defendant.

No. 4:10-CV-05624 PJH

**THE PARTIES' STIPULATION AND
REQUEST TO CONTINUE CASE
MANAGEMENT CONFERENCE AND
RELATED DEADLINES AND ~~PROPOSED~~
ORDER**

Date: September 29, 2011
Time: 2:00 p.m.
Dept.: Courtroom 3
The Honorable Phyllis J. Hamilton

AMERICAN SECURITY
INSURANCE COMPANY,

Third Party Plaintiff,

v.

HARTFORD FIRE INSURANCE
COMPANY,

Third Party Defendant.

STIPULATION

IT IS HEREBY STIPULATED AND RESPECTFULLY REQUESTED, by
and between plaintiffs and Lynette James Sutton, Defendant American Security Insurance

1 Company (“American Security”), and Defendant Hartford Fire Insurance Company
2 (“Hartford”) (collectively, the Parties) that the initial Case Management Conference
3 currently scheduled for September 29, 2011 at 2:00 p.m. be continued to October 20, 2011
4 at 2:00 p.m., or as soon thereafter as the Court is available, and that all corresponding
5 deadlines shall be continued accordingly. (Though the Parties are available on October
6 20, 2011, the Parties believe the case management conference should be scheduled after
7 the October 21, 2011 mediation, and therefore request that the Court reschedule it for
8 October 27, 2011, or later.)

9 The parties jointly request this continuance because Mr. Sutton, who is
10 representing himself and Mrs. Sutton, is out of town unavailable until October 12, 2011.

11 The parties have met and conferred with respect to the Joint Case Management
12 Statement and are close to completing that document for filing. The parties are also
13 endeavoring to conduct a mediation on October 21, 2011. The parties intend to submit
14 ADR certifications and a stipulation and proposed order re mediation shortly in
15 compliance with the Court’s standing orders.

16 Before this matter was referred to District Court Judge Hamilton, and before
17 either of the defendants were served in this case, plaintiffs asked the Magistrate Judge for
18 two continuances of the initial case management conference, which were granted. No
19 continuances have been granted since American Security and Hartford have appeared (on
20 July 26, 2011 and September 14, 2011, respectively).

1 Dated: September 23, 2011

2 CARROLL, BURDICK & McDONOUGH LLP

3
4 By _____ /S/
5 Raymond J. Tittmann
6 Attorneys for Defendant and Third Party Plaintiff
7 American Security Insurance Company

8 JAMES AND LYNETTE SUTTON

9 By _____ /S/
10 James Sutton
11 Pro Se and for Lynette Sutton

12 MICLEAN GLEASON LLP

13
14 By _____ /S/
15 Gary R. Gleason
16 Attorneys for Third Party Defendant
17 Hartford Fire Insurance Company

By /S/
Raymond J. Tittmann
Attorneys for Defendant and Third Party Plaintiff
American Security Insurance Company

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED THAT:

The Case Management Conference and hearing on Continental's Motion to Dismiss is continued from September 29, 2011 at 2:00 p.m. to December 1 ____, 2011 at 2:00. The parties' Case Management Conference Statement shall be due one week in advance. All other deadlines shall be continued accordingly.

Dated: September 27, 2011

By

